

EXHIBIT D

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK

ERIC A. ELLIOTT (p/k/a FLY HAVANA),)

Plaintiff,)

-vs-)

JOSEPH ANTHONY CARTAGENA (p/k/a)

FAT JOE), et al,)

Defendants.)

Civil Action No. 19-civ-1998 (NRB)

AFFIDAVIT OF SERVICE BY SOCIAL MEDIA

STATE OF NEW JERSEY:

ss.

COUNTY OF MORRIS :

I, Alana Gibson, of full age, being duly sworn according to law, upon my oath, depose and say:

1. I am President of DGR Legal, Inc. and a Process Server and am familiar with the above captioned matter.
2. Our office was retained by the law offices of Mitchell Silberberg & Knupp LLP, in regards to the above-captioned matter in order to serve the following documents:
 - a. Subpoena to Testify at a Deposition in a Civil Action
 - b. Defendant's Order on Motion for Alternative Service
3. Beginning on February 11th, 2021 at approximately 1:45pm, I completed service upon Elis Pacheco ("Pacheco"), at the following online accounts:
 - a. Facebook Account of Elis Pacheco, <https://www.facebook.com/elis.pacheco.5/>
 - b. Work E-Mail account at elis@digitallaunch.com
4. On February 11th, 2021 at approximately 1:47pm service was completed by sending Pacheco the documents as per the Order at his Facebook account noted above.
 - a. The gray circle with a white background and gray check mark next to the message indicates the messages were sent. When/if Pacheco opens Facebook Messenger


all messages and corresponding documents will be available for Pacheco to read.
See Annexed.

- b. Although Pacheco's Facebook account itself had the below notice in lieu of Pacheco's actual profile, Facebook Messenger (the service used to send and receive messages on Facebook directly) indicated that Pacheco was using Messenger without Facebook – which does not affect transmittal or indicate that the messages were undelivered or rejected.
 - i. Notice: " This Content Isn't Available Right Now. When this happens, it's usually because the owner only shared it with a small group of people, changed who can see it or it's been deleted." See Annexed.
5. On February 11th, 2021 at approximately 3:34pm, service upon Pacheco was completed upon him using the E-Mail account noted above and as per the Order.
 - a. On February 11th, 2021 at approximately 3:34pm I received an automated reply from Microsoft Outlook indicating "Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server: 'elis@digitallaunch.com' (elis@digitallaunch.com)<<mailto:elis@digitallaunch.com>>
 - b. On February 11th, 2021 at approximately 3:40pm I received an automated reply from Elis Pacheco elis@digitallaunch.com indicating the email address was not found. See Annexed.
6. On February 19th, 2021 at approximately 9:01am service was completed by sending Pacheco the documents as per the Order at his Facebook account noted above.
 - i. Found the same notice from previous service attempt on Pacheco's Facebook profile itself.
 - ii. The gray circle with a white background and gray check mark indicates the messages were sent. When/if Pacheco opens Facebook Messenger all messages and corresponding documents will be available for Pacheco to read. See Annexed.
7. On February 19th, 2021 at approximately 9:24am, service upon Pacheco was completed upon him using the E-Mail account noted above and as per the Order.
 - a. On February 19th, 2021 at approximately 9:24am I received an automated reply from Microsoft Outlook indicating "Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:


'elis@digitallaunch.com' (elis@digitallaunch.com) <mailto:elis@digitallaunch.com>.

See Annexed.

- b. On February 19th, 2021 at approximately 9:36am I received an automated reply from Elis Pacheco elis@digitallaunch.com indicating the email address was not found. See Annexed.
8. On February 24th, 2021 at approximately 11:38am service was completed by sending Pacheco the documents as per the Order at his Facebook account noted above.
 - i. Found the same notice from previous service attempt on Pacheco's Facebook profile itself.
 - ii. The gray circle with a white background and gray check mark indicates the messages were sent. When/if Pacheco opens Facebook Messenger all messages and corresponding documents will be available for Pacheco to read. See Annexed.
9. On February 24th, 2021 at approximately 11:51am, service upon Pacheco was completed upon him using the E-Mail account noted above and as per the Order.
 - a. On February 24^h, 2021 at approximately 11:51am I received an automated reply from Microsoft Outlook indicating "Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server: 'elis@digitallaunch.com' (elis@digitallaunch.com) <mailto:elis@digitallaunch.com>. See Annexed.
 - b. On February 24th, 2021 at approximately 12:27pm I received an automated reply from Elis Pacheco elis@digitallaunch.com indicating the email address was not found. See Annexed.
10. I certify that the above information is true to the best of my knowledge, information and belief and if any statements made by me are willfully false, I am subject to punishment.


Alana Gibson

Sworn to and subscribed to
before me this 15th day
of MARCH, 2021.


KASEY RUPPERT
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 5/2/2021